

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE CHICKASAW NATION and)	
THE CHOCTAW NATION,)	
)	
Plaintiffs,)	
)	
v.)	No. 05-cv-01524-W
)	
UNITED STATES DEPARTMENT OF)	
THE INTERIOR, <i>et al.</i> ,)	Senior Judge Lee West
)	
Defendants.)	
)	

DEFENDANTS' OBJECTIONS TO PLAINTIFFS' EXHIBITS

Pursuant to this Court's May 15, 2015 Order, ECF No. 282, Defendants hereby submit their objections to Plaintiffs' exhibits. General objections are below and specific objections are attached hereto as Exhibit 1.

GENERAL OBJECTIONS

The assertion of same, similar or additional objections to specific exhibits does not waive or modify any of the General Objections set forth below.

1. Defendants object to the extent that Plaintiffs seek to introduce exhibits at trial in an effort to establish that the Interior Department (Interior) did not comply with Section 304 of the 1994 American Indian Trust Management Reform Act. 25 U.S.C. 4044, because, under *Olenhouse v. Commodity Credit Corp.*, 42 F.3d 1560 (10th Cir. 1994), judicial review of Interior's compliance with the requirements of Section 4044 is limited to the Administrative Record under the Federal Rules of Appellate Procedure.

2. Defendants object to Plaintiffs' designation of entire books or articles as evidence under FRE 803(18), as that rule provides only that a "statement contained in a treatise, periodical, or pamphlet . . . may be read into evidence but not received as an exhibit" under certain circumstances. Defendants object to Plaintiffs' broad designation of entire treatises, rather than identifying specific pages from those treatises, as Defendants are unable to determine which statements Plaintiffs intend to have read into evidence.

3. Defendants object to the extent Plaintiffs' exhibits that have not been produced to Defendants. If a party fails to timely disclose information, it may not use that information at trial unless the failure was substantially justified or harmless. Fed.R.Civ.P. 37(c)(1).

4. Defendants object to the extent Plaintiffs' exhibits are not relevant. Fed. R. Evid. 401. Documents concerning damages are not relevant nor are documents concerning the valuation of "Timber Lands," as Plaintiffs define that term.

5. Defendants object to the extent Plaintiffs' exhibits constitute hearsay, statements not made while testifying at trial and offered to prove the truth of the matter asserted. Fed. R. Evid. 801. Websites contained within the exhibit list can constitute inadmissible hearsay.

Dated: June 8, 2015 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on June 8, 2015, I authorized the electronic filing of the foregoing Defendants' Final Exhibit List with the Clerk of the Court using the CM/ECF system, which will send email notification of such filing to all registered parties.

/s/ Marissa Piropato

MARISSA PIROPATO